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### REMARKS

Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the following remarks. Applicants request entry of this amendment because the amendment places the pending claims in condition for allowance.

### Status of Claims

Claims 1-28 are pending. Claims 2, 10, 18, and 22 have been cancelled without prejudice or disclaimer to resubmission in a divisional or continuation application. Claims 1, 3, 4, 8, 9, 11, 15, 17, 19, 21, 23 and 24 have been amended. Applicants respectfully submit that the amendments to the claims do not contain new matter.

### Claim Rejections

#### 35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected Claims 1-7, 9-15, 21-26, and 28 under 35 U.S.C. § 102(b), as being anticipated by Hohensee et al., U.S. Patent Number 6,064,815. Applicants respectfully traverse this rejection in view of the currently amended claims and the remarks that follow.

Applicants respectfully submit that the rejection of Claims 1-7, 9-15, 21-26, and 28 under 35 U.S.C. § 102(b), as being anticipated by Hohensee should be withdrawn.

Each of amended independent Claims 1, 9, and 21 recites in paraphrase, *inter alia*, performing instrumentation of said code block to detect whether execution of said code block results in misaligned data access during translation of a code block, prior to execution of said code block. Hohensee does not disclose or suggest at least this feature of amended independent Claims 1, 9, and 21. Therefore, Hohensee does not anticipate Claims 1, 9, and 21, as amended.

Although the Examiner cites a definition of instrumentation from The Dictionary of Computers, Information Processing & Telecommunications, Applicants have chosen be their own lexicographer. Applicants' use of instrumentation in the claims is as stated in paragraph 20 of the Application as filed, "Instrumentation may include, for example, adding one or

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more instructions to a certain code block or to a certain instruction, in order to track, examine, debug, and/or analyze the behavior of the operations of that code block or instruction."

Accordingly, Hohensee does not disclose or suggest performing instrumentation to detect whether execution of a code block results in misaligned data access prior to execution of said code block as is recited in amended independent Claims 1, 9, and 21 and according to the meaning of instrumentation in the specification.

Therefore, Applicants respectfully request that the rejection of independent Claims 1, 9, and 21 under 35 U.S.C. § 102(b), as being anticipated by Hohensee, should be withdrawn. The cancellation of Claims 2, 10, and 22 has rendered their rejection moot. Each of Claims 3-7, Claims 11-15, and Claims 23-26 and 28 depends from one of amended independent Claims 1, 9, and 21, respectively, and include all the features of one of these amended independent claims as well as additional distinguishing features. Applicants respectfully submit that the patentability of Claims 3-7, Claims 11-15, and Claims 23-26 and 28 follows directly from the patentability of amended independent Claims 1, 9, and 21, respectively.

Accordingly, the rejection of Claims 3-7, 11-15, 22-26, and 28 under 35 U.S.C. § 102(b), as being anticipated by Hohensee, is respectfully requested to be withdrawn.

#### 35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected Claims 8 and 16-20 under 35 U.S.C. § 103(a), as being unpatentable over Hohensee.

Applicants respectfully submit that in view of the foregoing amendment, the rejection of Claims 8 and 16-20 under 35 U.S.C. § 103(a) as being unpatentable over Hohensee should be withdrawn.

Each of amended independent Claims 1, 9, and 17 recites in paraphrase, *inter alia*, performing instrumentation of said code block to detect whether execution of said code block results in misaligned data access during translation of a code block, prior to execution of said code block. Hohensee does not disclose or suggest at least this feature of amended independent Claims 1, 9, and 17. Therefore, Hohensee does not render amended independent Claims 1, 9, and 17 obvious.

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The cancellation of Claim 18 renders its rejection moot. Each of Claim 8, Claim 16, Claim 19, and Claim 20 depends from one of amended independent Claims 1, 9, and 17, respectively, and includes all the features of one of these amended independent claims as well as additional distinguishing features. Applicants respectfully submit that the patentability of Claim 8, Claim 16, and Claims 18-20 follows directly from the patentability of amended independent Claims 1, 9, and 17, respectively. Accordingly, the rejection of Claims 8 and 16-20, under 35 U.S.C. § 103(a) as being unpatentable over Hohensee, is respectfully requested to be withdrawn.

In addition, the Examiner rejected Claim 27 under 35 U.S.C. § 103(a), as being unpatentable over Hohensee in view of Drongowski, "Performance Tips for Alpha Linux C Programmers". Applicants respectfully traverse the rejection of Claim 27 under 35 U.S.C. § 103(a).

Claim 27 depends directly from amended independent Claim 21; as discussed above, Claim 21 is patentable over Hohensee. The deficiency of Hohensee is not supplied by the teachings of the Drongowski reference; accordingly, Applicants respectfully submit that dependent Claim 27 is patentable over Hohensee and Drongowski alone, or in combination. Accordingly, the rejection of Claim 27 under 35 U.S.C. § 103(a), as being unpatentable over Hohensee in view of Drongowski, is respectfully requested to be withdrawn.

#### Conclusion

In view of the foregoing amendment and remarks, and for at least the reasons discussed above, Applicants respectfully submit that the pending Claims are allowable. Their favorable reconsideration and allowance are respectfully requested.

The Examiner is invited to telephone the undersigned to discuss any still outstanding matters with respect to the present application.

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No fees are believed to be due in connection with this paper. However, if any such fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

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